

**IN THE UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT**

UNION PACIFIC RAILROAD COMPANY,

Petitioner,

v.

SURFACE TRANSPORTATION BOARD and
UNITED STATES OF AMERICA,

Respondents,

and NORFOLK SOUTHERN RAILWAY
COMPANY and CANADIAN PACIFIC
KANSAS CITY LIMITED,

Intervenor.

No. 23-1125

(consolidated with Nos. 23-
1165 & 23-1274)

UNOPPOSED MOTION TO VOLUNTARILY DISMISS APPEAL

Pursuant to Fed. R. App. P. 42(b), Petitioner Union Pacific Railroad Company (“Union Pacific”) hereby moves to dismiss this appeal with prejudice. Union Pacific has consulted with counsel for Respondents Surface Transportation Board and United States of America, counsel for Coalition to Stop CPKC (Petitioner in No. 23-1165), counsel for Commuter Rail Division of the Regional Transportation Authority, d/b/a Metra (Petitioner in No. 23-1274), and counsel for Intervenor Norfolk Southern Railway Company and Canadian Pacific Kansas City Limited concerning this motion. Union Pacific is authorized to represent that Respondents,

Petitioners in the consolidated cases, and Intervenor consent to this motion and agree that all parties shall bear their own costs and attorneys' fees associated with this appeal.

Respectfully submitted,

/s/ Michael L. Rosenthal

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January 8, 2024

CERTIFICATE OF COMPLIANCE

This document complies with type-volume limitation of Fed. R. App. 27(d)(2) because, excluding the parts of the document exempted by Fed. R. App. P. 32(f), this document contains 171 words. This document complies with the typeface requirements of Fed. R. App. P. 32(a)(5) and the type style requirements of Fed. R. App. P. 32(a)(6) because the document has been prepared in a proportionally spaced typeface using Microsoft Word 2016 in Times New Roman 14-point font.

/s/ Michael L. Rosenthal
Michael L. Rosenthal

CERTIFICATE OF SERVICE

I hereby certify that on this 8th day of January, 2024, I electronically filed the foregoing Unopposed Motion to Voluntarily Dismiss Appeal with the Clerk of the Court for the United States Court of Appeals for the D.C. Circuit through the Court's CM/ECF system. Participants in the case who are registered CM/ECF users will be served by the CM/ECF system.

/s/ Michael L. Rosenthal
Michael L. Rosenthal